

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Basim Sabri, Marty Schulenberg, Mohamed  
Cali, Jay Webb, and Zachary Metoyer,

Plaintiffs,

Court File No. 15-CV-01578 (ADM/SER)

vs.

**AFFIDAVIT OF MARTHA SCHILLER**

City of Minneapolis, a municipal corporation,  
and the Whittier Alliance, a Minnesota  
not-for-profit corporation,

Defendants.

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STATE OF MINNESOTA    )  
                                          ) SS  
COUNTY OF HENNEPIN    )

Martha Schiller, being first duly sworn, states and alleges as follows:

1. I have been employed by Sabri Properties from November 2010 to the present, and I make this affidavit based upon and to the best of my own personal knowledge, information, and belief.

**LEADING UP TO THE MARCH 2013 MEETING OF THE WHITTIER ALLIANCE**

2. Beginning in or around the end of 2012 or the beginning of 2013, as part of my employment with Sabri Properties, I was tasked with providing assistance to individuals and business located in the Whittier Neighborhood who were interested in being added to the Whittier Business Directory and activating membership in the Whittier Alliance.
3. I understand that the election of the board of directors of the Whittier alliance occurs annually at a meeting in March and that individuals and business located in the

Whittier Neighborhood who I was tasked with helping wanted to be added to the Whittier Business Directory and thereby activating membership in the Whittier Alliance at or before the March 2013 meeting.

4. In early 2013, I prepared a template for the purpose of compiling and identifying information – including names, addresses, type of businesses, phone numbers, etc. – about individuals and businesses interested in being added to the Whittier Business Directory and thereby activating membership in the Whittier Alliance. After I prepared the template, various Plaintiffs obtained the information and signatures from individuals and businesses interested in being added to the Whittier Business Directory and activating membership in the Whittier Alliance. Osman Ahmed delivered the list to Whittier Alliance by email. A copy of the list is attached as Exhibit A to the Cali affidavit.
5. On March 11, 2013, prior to the March 2013 meeting of Whittier Alliance, Mr. Ahmed submitted to Marian Biehn at the Whittier Alliance a copy of the template that included the information and signatures from the individuals and businesses interested in being added to the Whittier Business Directory and thereby activating membership in the Whittier Alliance. Part of my regular duties in my employment with Sabri Properties is checking Basim Sabri's emails, and attached as Exhibit A is a copy of an email from Mr. Ahmed to Mr. Sabri dated March 11, 2013, and confirming that the information and signatures from the individuals and businesses interested in being added to the Whittier Business Directory and activating membership in the Whittier Alliance had been submitted to Marian Biehn at the

Whittier Alliance. This document is a business record maintained by Sabri Properties in the ordinary course of business.

6. On March 19-20, 2013, Mr. Sabri and Ms. Biehn exchanged several emails about the individuals and businesses that had recently submitted information and signatures in an attempt to be added to the Whittier Business Directory and to activate their membership in the Whittier Alliance. In this exchange, Mr. Sabri offered to provide copies of leases as additional proof that the individuals and businesses interested in being added to the Whittier Business Directory and activating membership in the Whittier Alliance in fact do reside and operate in the Whittier neighborhood. In response, Ms. Biehn stated that a lease is not an acceptable form of proof and listed several supposedly alternative forms of proof. Mr. Sabri then explained why the alternative forms of proof suggested by Ms. Biehn are not viable alternatives for most if not all of the individuals and businesses that had recently submitted information and signatures in an attempt to be added to the Whittier Business Directory and activating membership in the Whittier Alliance. A copy of this email exchange is attached as Exhibit C to the Sabri affidavit.
7. In total, Mr. Ahmed and Mr. Sabri submitted information and signatures of approximately 96 individuals and businesses who were interested in being added to the Whittier Business Directory and activating membership in the Whittier Alliance.
8. Leading up to the March 2013 meeting of Whittier Alliance, I regularly checked the Whittier Alliance website to see if anyone had been added to the Whittier Business Directory.

9. Prior to the March 2013 meeting of Whittier Alliance, of the approximately 96 individuals and businesses who submitted information and signatures to the Whittier Alliance for the purpose of being added to the Whittier Business Directory and activating membership in the Whittier Alliance, the total number of individuals and businesses that were actually added to the Whittier Business Directory and granted membership in the Whittier Alliance in 2013 was zero.

**THE MARCH 2013 MEETING OF THE WHITTIER ALLIANCE**

10. I attended the March 2013 meeting of Whittier Alliance, and at that meeting, numerous individuals and businesses who had previously submitted information for the purpose of being added to the Whittier Business Directory and activating membership in the Whittier Alliance showed up and attempted to vote.
11. Even though the individuals and businesses who attended the March 2013 meeting brought with them their photo IDs and their business licenses or other forms of alternative proof previously suggested by Ms. Biehn, none of these individuals or businesses were allowed to vote.
12. Prior to the meeting, I prepared a template for the purpose of compiling and identifying information about individuals and businesses who previously submitted information for the purpose of being added to the Whittier Business Directory and activating membership in the Whittier Alliance, who showed up at the March 2013 meeting with a photo ID and a business license or other form of alternative proof previously suggested by Ms. Biehn, who attempted to vote, and who were not allowed to vote. When these individuals and businesses were denied their right to

vote, they inserted their information on the template and provided their signature. A copy of this template is attached hereto as Exhibit B.

**LEADING UP TO THE MARCH 2014 MEETING OF THE WHITTIER ALLIANCE**

13. In or around early January of 2014, I prepared a form letter for individuals and businesses who were interested in being added to the Whittier Business Directory and activating membership in the Whittier Alliance.
14. The form letters were personalized for each individual and business interested in being added to the Whittier Business Directory and activating membership in the Whittier Alliance.
15. In the middle of January of 2014, eight personalized form letters were submitted to the Whittier Alliance. Each of these eight letters included as additional proof of residence or operation in the Whittier neighborhood either (i) a copy of a business license or (ii) a copy of information about the business available on the Minnesota Secretary of State's website. Copies of these eight letters and the information included are attached as composite Exhibit C.
16. All eight of the individuals and businesses who submitted form letters and additional information in the middle of January were supposedly accepted by the Whittier Alliance. Notably, some of the individuals and businesses who submitted form letters were accepted even though they provided as alternative proof of residence or operation in the Whittier neighborhood nothing more than a copy of information about the business available on the Minnesota Secretary of State's website.
17. Even though the eight individuals and businesses who submitted form letters and additional information in the middle of January were supposedly accepted by the

Whittier Alliance, none of these eight individuals and businesses were added to the Whittier Business Directory until after the March 2014 meeting of the Whittier Alliance.

18. Near the end of January of 2014, several days after the first eight individuals and businesses were supposedly accepted by the Whittier Alliance, I prepared substantially the same form letter for additional individuals and businesses who were interested in being added to the Whittier Business Directory and activating membership in the Whittier Alliance.
19. The form letters were again personalized for each additional individual and business interested in being added to the Whittier Business Directory and activating membership in the Whittier Alliance.
20. Near the end of January or the beginning of February of 2014, approximately forty-seven (47) additional personalized form letters were submitted to the Whittier Alliance. Each of these additional letters again included as additional proof of residence or operation in the Whittier neighborhood either (i) a copy of a business license or (ii) a copy of information about the business available on the Minnesota Secretary of State's website. Copies of these additional letters and the information included are attached as composite Exhibit D.
21. Even though these 47 additional letters were substantially the same and included substantially the same information as the original 8 letters, none of the additional 47 letters were accepted and none of the additional 47 individuals and businesses were added to the Whittier Business Directory or granted membership in the Whittier Alliance prior to the March 2014 meeting of the Whittier Alliance.

**THE MARCH 2014 MEETING OF THE WHITTIER ALLIANCE**

22. Prior to the March 2014 meeting of the Whittier Alliance, I prepared a form letter for approximately thirty-four (35) individuals and businesses who had previously submitted information for the purpose of being added to the Whittier Business Directory and activating membership in the Whittier Alliance showed up and attempted to vote.
23. These 35 individuals and businesses attended the March 2014 meeting of the Whittier Alliance and brought with them to that meeting a copy of the form letter I prepared, personalized to each individual and business, along with a copy of information about the business available on the Minnesota Secretary of State's website and a copy of the business license. Copies of these additional letters and the information included are attached as composite Exhibit E.
24. Even though the 34 individuals and businesses who attended the March 2014 meeting brought with them copies of the form letter I prepared and their business licenses, none of these 35 individuals or businesses were allowed to vote at the March 2014 meeting.
25. I execute this affidavit in opposition to Defendants' motion to dismiss Plaintiffs' complaint and in support of Plaintiffs' motion for preliminary injunction.

  
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Martha Schiller

Sworn to and subscribed before me  
this 22<sup>nd</sup> day of April, 2015.

  
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Notary Public

